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Counsel to the Debtors and
Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

- - - - - x
In re: : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et al., :
:
Debtors. : Jointly Administered
- - - - - x

**DEBTORS' TWENTY-SIXTH OMNIBUS OBJECTION TO CLAIMS
(DISALLOWANCE OF CERTAIN CLAIMS FOR PAID TIME OFF)**

The debtors and debtors in possession in the above-

captioned cases (collectively, the "Debtors"),¹ hereby file their Twenty-Sixth Omnibus Objection to Claims (Disallowance of Certain Claims for Paid Time Off) (the "Objection"), and hereby move this Court, pursuant to sections 105 and 502 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (as amended, the "Bankruptcy Code"), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Bankruptcy Rule 3007-1, for an order, the proposed form of which is attached hereto as Exhibit A, granting the relief sought by this Objection, and in support thereof states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Objection under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and this Objection in this district is proper under 28

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Proper ties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc.(6796), Sky Venture Corp. (0311), PRAHS, Inc.(n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512). The address for Circuit City Stores West Coast, Inc. is 9250 Sheridan Boulevard, Westminster, Colorado 80031. For all other Debtors, the address was 9950 Mayland Drive, Richmond, Virginia 23233 and currently is 4951 Lake Brook Drive, Glen Allen, Virginia 23060.

U.S.C. §§ 1408 and 1409. The statutory and legal predicates for the relief requested herein are Bankruptcy Code sections 105 and 502, and Rule 3007 of the Bankruptcy Rules.

BACKGROUND

2. On November 10, 2008 (the "Petition Date"), the Debtors filed voluntary petitions in this Court for relief under chapter 11 of the Bankruptcy Code.

3. The Debtors continue to manage and operate their businesses as debtors in possession pursuant to Bankruptcy Code sections 1107 and 1108.

4. On November 12, 2008, the Office of the United States Trustee for the Eastern District of Virginia appointed a statutory committee of unsecured creditors (the "Creditors' Committee"). To date, no trustee or examiner has been appointed in these chapter 11 cases.

5. On November 12, 2008, the Court appointed Kurtzman Carson Consultants LLC ("KCC") as claims, noticing and balloting agent for the Debtors in these chapter 11 cases pursuant to 28 U.S.C. § 156(c).

6. On December 10, 2009, the Court entered that certain Order Pursuant to Bankruptcy Code Sections 105 and 502 and Bankruptcy Rules 2002, 3003(c)(3), and 9007 (I) Setting General Bar Date and Procedures for Filing Proofs of

Claim; and (II) Approving Form and Manner of Notice Thereof (Docket No. 890) (the "Claims Bar Date Order").

7. Pursuant to the Claims Bar Date Order, the deadline for filing all "claims" (as defined in 11 U.S.C. § 105(5)) arising before November 10, 2008 against the Debtors by any non-governmental entity was 5:00 p.m. (Pacific) on January 30, 2009 (the "General Bar Date"). The deadline for governmental units to file claims that arose before November 10, 2009 was 5:00 p.m. (Pacific) on May 11, 2009 (the "Governmental Bar Date"). Pursuant to the Claims Bar Date Order, this Court approved the form and manner of the claims bar date notice, which was attached as Exhibit A to the Claims Bar Date Order (the "Claims Bar Date Notice").

8. On December 17 and 19, 2008, KCC served a copy of the Claims Bar Date Notice on all parties who filed notices of appearance pursuant to Bankruptcy Rule 2002, all of the Debtors' scheduled creditors in these cases, the Debtors' equity holders, and certain other parties (Docket No. 1314). In addition, the Debtors published the Claims Bar Date Notice in The Wall Street Journal (Docket No. 1395) and The Richmond Times-Dispatch (Docket No. 1394).

9. On January 16, 2009, the Court authorized the Debtors, among other things, to conduct going out of

business sales at the Debtors' remaining 567 stores pursuant to an agency agreement (the "Agency Agreement") between the Debtors and a joint venture, as agent (the "Agent"). On January 17, 2009, the Agent commenced going out of business sales pursuant to the Agency Agreement at the Debtors remaining stores. As of March 8, 2009, the going out of business sales at the Debtors' remaining stores had been completed.

10. On April 1, 2009, this Court entered an Order Establishing Omnibus Objection Procedures and Approving the Form and Manner of Notice of Omnibus Objections (Docket No. 2881) (the "Omnibus Objection Procedures Order").

OBJECTIONS TO CLAIMS

11. By this Objection, the Debtors seek entry of an order, in substantially the form annexed as Exhibit A, pursuant to Bankruptcy Code sections 105(a) and 502 and Bankruptcy Rule 3007, disallowing the claims listed on Exhibit C attached hereto. The basis for the disallowance of the claims listed on Exhibit C attached hereto is that all of the claims (the "Claims") are asserted by former employees of the Debtors for paid time off under a corporate policy that was amended pre-petition.

12. Prior to the Petition Date, the Debtors' corporate

policy allowed employees to accrue paid time off during the term of their employment (the "Former Paid Time Off Policy"). Pursuant to the Former Paid Time Off Policy, if an employee's accrued time off was not used at end of the employee's employment with the Debtors, the employee would receive a check for the employee's accrued vacation that was not used (the "Paid Time Off").

13. The Debtors amended their Former Paid Time Off Policy effective as of the Petition Date (the "Paid Time Off Policy"). Pursuant to the Paid Time Off Policy, the Debtors eliminated the accrual of Paid Time Off and the Debtors' employees were no longer entitled to Paid Time Off at the termination of their employment because the Paid Time Off had no cash equivalent value under the new policy. On December 16, 2008, the Debtors advised its employees of such change in the Paid Time Off Policy post-petition.

14. For ease of reference, attached as Exhibit B is an alphabetical listing of all claimants whose Claims are included in this Objection (the "Claimants"), with a cross-reference by claim number.

15. At this time, the Debtors have not completed their review of the validity of all claims/expenses filed against their estates, including the Claims. Accordingly, the

Claims may be the subject of additional subsequently filed objections. To that end, the Debtors reserve the right to further object to any and all claims, whether or not the subject of this Objection, for allowance, voting, and/or distribution purposes, and on any other grounds.

Furthermore, the Debtors reserve the right to modify, supplement and/or amend this Objection as it pertains to any Claim or Claimant herein.

RESERVATION OF RIGHTS

16. As noted above, the Debtors reserve their rights to file objections to these Claims at a later time on any grounds that bankruptcy or non-bankruptcy law permits. The Debtors likewise reserve the right to modify, supplement and/or amend this Objection as it pertains to any claim or claimant herein.

NOTICE AND PROCEDURE

17. Notice of this Objection has been provided to all claimants with claims that are the subject to this Objection as identified on Exhibit C, respectively, and to parties-in-interest in accordance with the Court's Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and

Administrative Procedures (Docket No. 130) (the "Case Management Order"). The Debtors submit that the following methods of service upon the Claimants should be deemed by the Court to constitute due and sufficient service of this Objection: (a) service in accordance with Bankruptcy Rule 7004 and the applicable provisions of Federal Rule of Civil Procedure 4; (b) to the extent counsel for a Claimant is not known to the Debtors, by first class mail, postage prepaid, on the signatory of the Claimant's proof of claim form or other representative identified in the proof of claim form or any attachment thereto; or (c) by first class mail, postage prepaid, on any counsel that has appeared on the Claimant's behalf in the Debtors' bankruptcy cases. The Debtors are serving the Claimant with this Objection and the exhibit on which the Claimant's claim is listed.

18. To the extent any Claimant timely files and properly serves a response to this Objection by **4:00 p.m. on August 10, 2009** as required by the Case Management Order and under applicable law, and the parties are unable to otherwise resolve the Objection, the Debtors request that the Court conduct a status conference with respect to any such responding claimant at **2:00 p.m. on August 18, 2009** and thereafter schedule the matter for a future hearing as to

the merits of such claim.² However, to the extent any Claimant fails to timely file and properly serve a response to this Objection as required by the Case Management Order and applicable law, the Debtors request that the Court enter an order, substantially in the form attached hereto as Exhibit A, disallowing the Claims set forth on Exhibit C attached hereto for all purposes in these bankruptcy cases.

**COMPLIANCE WITH BANKRUPTCY RULE 3007 AND
THE OMNIBUS OBJECTION PROCEDURES ORDER**

19. This Objection complies with Bankruptcy Rule 3007(e). Additionally, the Debtors submit that this Objection is filed in accordance with the Omnibus Objection Procedures Order.

WAIVER OF MEMORANDUM OF LAW

20. Pursuant to Local Bankruptcy Rule 9013-1(G), and because there are no novel issues of law presented in the Motion, the Debtors request that the requirement that all motions be accompanied by a written memorandum of law be waived.

NO PRIOR RELIEF

21. No previous request for the relief sought herein

² In accordance with the Omnibus Objection Procedures Order, claimants who respond to the Objection do not need to appear at the status conference.

has been made to this Court or any other court.

WHEREFORE, the Debtors request the Court to enter an Order sustaining this Objection and granting such other and further relief as the Court deems appropriate.

Dated: Richmond, Virginia SKADDEN, ARPS, SLATE, MEAGHER &
July 17, 2009 FLOM, LLP
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MCGUIREWOODS LLP

/s/ Douglas M. Foley
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Counsel for Debtors and Debtors
in Possession

EXHIBIT A

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Counsel to the Debtors and
Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

- - - - - x
In re: : Chapter 11
:
CIRCUIT CITY STORES, INC., : Case No. 08-35653 (KRH)
et al., :
:
Debtors. : Jointly Administered
- - - - - x

**ORDER SUSTAINING DEBTORS' TWENTY-SIXTH OMNIBUS OBJECTION TO
CLAIMS (DISALLOWANCE OF CERTAIN CLAIMS FOR PAID TIME OFF)**

THIS MATTER having come before the Court on the
Debtors' Twenty-Sixth Omnibus Objection to Claims
(Disallowance of Certain Claims for Paid Time Off) (the
"Objection"), which requested, among other things, that the
claims specifically identified on Exhibit C attached to the

Objection be disallowed for those reasons set forth in the Objection; and it appearing that due and proper notice and service of the Objection as set forth therein was good and sufficient and that no other further notice or service of the Objection need be given; and it further appearing that no response was timely filed or properly served by the Claimants being affected by this Order; and it appearing that the relief requested on the Objection is in the best interest of the Debtors, their estates and creditors and other parties-in-interest; and after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. The Objection is GRANTED.
2. The Claims identified on Exhibit A as attached hereto and incorporated herein, are forever disallowed in their entirety for all purposes in these bankruptcy cases.

Dated: Richmond, Virginia
August__, 2009

HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

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(804) 775-1000

Counsel to the Debtors
and Debtors in Possession

CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Douglas M. Foley
Douglas M. Foley

In re: Circuit City Stores, Inc, et al.
Case No. 08-35653 (KRH)

Debtors' Twenty-Sixth Omnibus Objection to Claims Tax No Liability

Exhibit B - Claimants and Related Claims Subject To Twenty-Sixth Omnibus Objection to Claims

Claim Holder	Claim	Exhibit
BRIM, TRAVIS RICHARD	2865	EXHIBIT C - PTO NO LIABILITY
BUFORD, JAMES A	2195	EXHIBIT C - PTO NO LIABILITY
CURRY, JOHNNY LEE	3167	EXHIBIT C - PTO NO LIABILITY
DEFORD, COURTENAY J	3122	EXHIBIT C - PTO NO LIABILITY
FORD, WHITNEY CHAVON	3056	EXHIBIT C - PTO NO LIABILITY
HATCHER, DEBRA LEE	2540	EXHIBIT C - PTO NO LIABILITY
HEDRICK, JARED DAVID	2130	EXHIBIT C - PTO NO LIABILITY
JAMES, CYNTHIA	2573	EXHIBIT C - PTO NO LIABILITY
LAU, JOSEPH	3037	EXHIBIT C - PTO NO LIABILITY
MANSON, BRYAN MARTIN	2520	EXHIBIT C - PTO NO LIABILITY
MARTIN, JAMES HARVEY	2020	EXHIBIT C - PTO NO LIABILITY
MOLNAR, RICHARD	3303	EXHIBIT C - PTO NO LIABILITY
OCHOA, JOSE	2378	EXHIBIT C - PTO NO LIABILITY
OLINGER, KYLE DANIEL	2431	EXHIBIT C - PTO NO LIABILITY
RAMSEY, WESTLEY	3049	EXHIBIT C - PTO NO LIABILITY
SPANGLER, BAILEY ELIZA	2509	EXHIBIT C - PTO NO LIABILITY
THOMAS, WILLIAM E	2709	EXHIBIT C - PTO NO LIABILITY
THOMPSON, PHILLIP MICHAEL	3043	EXHIBIT C - PTO NO LIABILITY
WHITAKER, JASON MICHAEL	2582	EXHIBIT C - PTO NO LIABILITY

EXHIBIT C

CREDITOR'S NAME AND ADDRESS	CLAIM NUMBER	ASSERTED CLAIM AMOUNT *	DATE FILED	DOCKETED DEBTOR
BRIM, TRAVIS RICHARD 10545 WHITESTONE RANCH RD BENBROOK, TX 76126	2865	Secured: Priority: \$46.14 Administrative 503(b)(9): Unsecured: Total: \$46.14	01/07/2009	CIRCUIT CITY STORES, INC. (08-35653)
BUFORD, JAMES A 312 6TH AVE COLUMBIA, TN 38401	2195	Secured: Priority: \$626.82 Administrative 503(b)(9): Unsecured: Total: \$626.82	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)
CURRY, JOHNNY LEE 1075 BOONE ST MACON, GA 31217	3167	Secured: Priority: \$1,183.27 Administrative 503(b)(9): Unsecured: Total: \$1,183.27	01/12/2009	CIRCUIT CITY STORES, INC. (08-35653)
DEFORD, COURTENAY J 3843 PEBBLE WAY NEW HAVEN, IN 46774	3122	Secured: Priority: \$1,273.76 Administrative 503(b)(9): Unsecured: Total: \$1,273.76	01/09/2009	CIRCUIT CITY STORES, INC. (08-35653)
FORD, WHITNEY CHAVON 168 LEGEND DR DALLAS, GA 30157	3056	Secured: Priority: \$975.00 Administrative 503(b)(9): Unsecured: Total: \$975.00	01/09/2009	CIRCUIT CITY STORES, INC. (08-35653)
HATCHER, DEBRA LEE 5648 RIDING WOODS DR HIRAM, GA 30141	2540	Secured: Priority: Administrative 503(b)(9): Unsecured: \$184.62 Total: \$184.62	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)

* "UNL" denotes an unliquidated claim.

EXHIBIT C

CREDITOR'S NAME AND ADDRESS	CLAIM NUMBER	ASSERTED CLAIM AMOUNT *	DATE FILED	DOCKETED DEBTOR
HEDRICK, JARED DAVID 4425 RUDDLELL RD SE LACEY, WA 98503	2130	Secured: Priority: \$71.44 Administrative 503(b)(9): Unsecured: _____ Total: \$71.44	12/30/2008	CIRCUIT CITY STORES, INC. (08-35653)
JAMES, CYNTHIA 12432 S SOPRIS CREEK DR PARKER, CO 80134	2573	Secured: Priority: Administrative 503(b)(9): Unsecured: _____ UNL Total: UNL	01/06/2009	CIRCUIT CITY STORES, INC. (08-35653)
LAU, JOSEPH 1921 REGENCY COVE CT ATLANTA, GA 30341	3037	Secured: Priority: Administrative 503(b)(9): Unsecured: _____ \$167.49 Total: \$167.49	01/09/2009	CIRCUIT CITY STORES, INC. (08-35653)
MANSON, BRYAN MARTIN 16212 WILLOWSTONE ST PARKER, CO 80134	2520	Secured: Priority: \$53.25 Administrative 503(b)(9): Unsecured: _____ Total: \$53.25	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)
MARTIN, JAMES HARVEY 8478 N CREEK WAY CITRUS SPRINGS, FL 34434	2020	Secured: Priority: Administrative 503(b)(9): Unsecured: _____ \$834.11 Total: \$834.11	12/29/2008	CIRCUIT CITY STORES, INC. (08-35653)
MOLNAR, RICHARD 362 MOUNT PROSPECT AVE APT C3 NEWARK, NJ 07104	3303	Secured: Priority: \$1,743.25 Administrative 503(b)(9): Unsecured: _____ Total: \$1,743.25	01/12/2009	CIRCUIT CITY STORES, INC. (08-35653)

* "UNL" denotes an unliquidated claim.

EXHIBIT C

CREDITOR'S NAME AND ADDRESS	CLAIM NUMBER	ASSERTED CLAIM AMOUNT *	DATE FILED	DOCKETED DEBTOR
OCHOA, JOSE 12 ROYAL COVE DR NAPLES, FL 34110	2378	Secured: Priority: Administrative 503(b)(9): Unsecured: <u>\$361.20</u> Total: <u>\$361.20</u>	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)
OLINGER, KYLE DANIEL 3057 BROOKVIEW DR CINCINNATI, OH 45238	2431	Secured: Priority: <u>\$180.52</u> Administrative 503(b)(9): Unsecured: <u> </u> Total: <u>\$180.52</u>	01/02/2009	CIRCUIT CITY STORES, INC. (08-35653)
RAMSEY, WESTLEY 50 BRITTANY CT CHATSWORTH, GA 30705	3049	Secured: Priority: <u>\$798.00</u> Administrative 503(b)(9): Unsecured: <u> </u> Total: <u>\$798.00</u>	01/08/2009	CIRCUIT CITY STORES, INC. (08-35653)
SPANGLER, BAILEY ELIZA 504 PARK ST LATHROP, MO 64465	2509	Secured: Priority: <u>\$151.39</u> Administrative 503(b)(9): Unsecured: <u> </u> Total: <u>\$151.39</u>	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)
THOMAS, WILLIAM E 877 N BLAZING STAR DR FAYETTEVILLE, AR 72704-5109	2709	Secured: Priority: <u>\$1,708.23</u> Administrative 503(b)(9): Unsecured: <u> </u> Total: <u>\$1,708.23</u>	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)
THOMPSON, PHILLIP MICHAEL 585 EAST PARKWAY APT 26 MEMPHIS, TN 38104	3043	Secured: Priority: <u>\$1,068.00</u> Administrative 503(b)(9): Unsecured: <u> </u> Total: <u>\$1,068.00</u>	01/09/2009	CIRCUIT CITY STORES, INC. (08-35653)

* "UNL" denotes an unliquidated claim.

EXHIBIT C

CREDITOR'S NAME AND ADDRESS	CLAIM NUMBER	ASSERTED CLAIM AMOUNT *	DATE FILED	DOCKETED DEBTOR
WHITAKER, JASON MICHAEL 11315 W 64TH TER APT 811 SHAWNEE, KS 66203-3384	2582	Secured: Priority: \$588.41 Administrative 503(b)(9): Unsecured: _____ Total: \$588.41	01/05/2009	CIRCUIT CITY STORES, INC. (08-35653)

Total: 19 \$12,014.90

* "UNL" denotes an unliquidated claim.